



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

1. **ADOPTING THE BIENNIAL BUDGET FOR FISCAL YEARS 2023-25 AND APPROPRIATING FUNDS TO COVER EXPENDITURES APPROVED BY SAID BUDGET;**
2. **AUTHORIZING THE CITY ADMINISTRATOR TO TRANSFER FUNDS BETWEEN DEPARTMENTS, PROGRAMS AND FUNDS AS NECESSARY TO SUPPORT DEPARTMENTAL REORGANIZATION AS SET FORTH IN THE ADOPTED BIENNIAL BUDGET FOR FISCAL YEARS 2023-25.**
3. **TAKING ALL STEPS NECESSARY TO APPLY FOR AND RECEIVE ADDITIONAL FUNDS REQUIRED TO ADVANCE AND COMPLETE THE PROJECTS IDENTIFIED IN THE CAPITAL IMPROVEMENT PROGRAM AND ACCEPT AND APPROPRIATE ANY ADDITIONAL FUNDS PROVIDED THAT SUCH ACCEPTANCE IS CONSISTENT WITH AND DOES NOT OTHERWISE NEGATIVELY IMPACT THE CITY'S CAPITAL IMPROVEMENT PROGRAM**
4. **DIRECTING THE CITY ADMINISTRATOR TO RETURN TO THE COUNCIL WITH AN ORDINANCE AMENDING CHAPTER 2.29 OF THE OAKLAND MUNICIPAL CODE TO IMPLEMENT THE JULY 2024 REORGANIZATIONS PROPOSED IN THIS BUDGET**
5. **DECLARING A STATE OF EXTREME FISCAL NECESSITY AND THE EXISTENCE OF A SEVERE AND UNANTICIPATED FINANCIAL EVENT;**
6. **SUSPENDING FOR FISCAL YEARS' 2023-2025 THE CHARTER MANDATED MINIMUM STAFFING BUDGET SET ASIDES FOR THE OFFICE OF THE CITY AUDITOR; AND**
7. **SUSPENDING THE MINIMUM BUDGET SET ASIDES FOR THE DEMOCRACY DOLLARS FUND AND FOR NON-STAFF COSTS RELATED TO THE PUBLIC ETHICS COMMISSION'S ADMINISTRATION OF THE OAKLAND FAIR ELECTIONS ACT'S DEMOCRACY DOLLARS PROGRAM**

WHEREAS, Section 801 of the Charter of the City of Oakland requires that the Oakland City Council adopt by resolution a budget of proposed expenditures and appropriations necessary for the ensuing year; and

WHEREAS, the City Council has a longstanding policy of adopting a two-year budget; and

WHEREAS, Section 806 of the City Charter provides that all monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or of another officer duly authorized by him/her and that no expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council; and

WHEREAS, the City Council has reviewed departmental and non-departmental budgets in light of revenue estimates for Fiscal Years 2023-25 and has conducted multiple public budget hearings; and

WHEREAS, the City intends to apply for additional funds necessary to complete and offset costs of funded projects in the Capital Improvement Program (CIP), and leverage existing City fund sources to secure additional sources of funding for development of CIP projects that are approved but not funded; and

WHEREAS, the Proposed Budget contains Departmental reorganizations effective July 1st 2024, and

WHEREAS, Departmental reorganizations must be codified by an ordinance amending chapter 2.29 of the Oakland Municipal Code, and

WHEREAS, City Charter section 403(4) provides that “[e]ffective July 2023, the budget for the Office of the City Auditor shall be sufficient to hire at least fourteen full-time equivalent (‘FTE’) employees of relevant classifications.”, and further provides that “[t]he minimum staffing budget set-aside may be suspended, for a fiscal year or two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution or ordinance.”; and

WHEREAS, Section 3.15.060(E) of the Oakland Fair Elections Act (codified as Oakland Municipal Code Chapter 3.15) which the voters passed in November 2022 election, mandates a minimum budget set aside for the Oakland Democracy Dollars Fund (“Fund”) and for non-staff costs for the Public Ethics Commission to administer the Fund, and allows the Council to suspend the aforesaid minimum budget set-asides for a fiscal year or two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity as defined by City Council resolution, provided that the suspension is part of general reduction in expenditures across multiple departments; and

WHEREAS, the City was experiencing the largest general purpose fund shortfall in its history prior to the balancing actions contained in this budget; and

WHEREAS, the reductions in revenues available to the City due to economic circumstances and the expiration of Federal Aid warrant the declaration of a state of extreme fiscal necessity; which is defined as follows; “An intervening step of fiscal austerity, such as when total projected General Purpose Fund revenues will be less than the current year’s revenues, it is the lessor of a catastrophic situation where the City entity would need to suspend provisions of local laws related to enhanced public services, such as Maintenance of Effort provisions or to prevent a dramatic decrease in essential services, such as layoffs, relating to health, safety, and welfare; may include using Vital Services Stabilization Fund “Rainy Day Funds” , suspension of Use of One-time Revenues policy, or suspension of accelerated liability repayments, in order to sustain City Services but short of accessing emergency reserve monies.”; and constitute a severe and unanticipated financial event; and

WHEREAS, the City Council adopts the following definition for Adverse Financial Condition: “The first stage of financial uncertainty, in years when the City forecasts significant service reductions, implementation of a hiring freeze, enforce cost savings measures to prevent a dramatic decrease in essential services, are contemplated due to adverse financial conditions, use of the Vital Services Stabilization Fund “Rainy Day Fund” must be considered to maintain existing services.”; and

WHEREAS, in light of the extreme fiscal necessity the City is facing, the Council has determined it will be necessary to suspend the Charter-mandated minimum budget set-asides for the FY 2023-2025 budget cycle for the (1) Office of the City Auditor, and (2) the Democracy Dollars Fund and non-staff costs for the PEC to administer the Democracy Dollars Program; and

WHEREAS, the City Council has carefully considered the proposed budget for Fiscal Years 2023-25 as set forth in the FY 2023-25 Proposed Policy Budget document; and

WHEREAS, the City Council has agreed to the Mayor’ proposed budget and has noted any modification or amendments in **Exhibits 1 and 2**, which together with the proposed budget constitute the Fiscal Years 2023-25 Adopted Policy Budget; now therefore be it

RESOLVED: That the City Council hereby adopts the proposed budget as modified by **Exhibits 1 and 2** as the City of Oakland Adopted Policy Budget for Fiscal Years 2023-25; and be it

FURTHER RESOLVED: That the City Administrator is authorized to expend City funds in accordance with the laws of the State of California and the City of Oakland, and the City of Oakland FY 2023-25 Adopted Policy Budget attached hereto; and be it

FURTHER RESOLVED: That the Council hereby declares that the City is experiencing a severe financial event and state of extreme fiscal necessity as defined in this Resolution, and for the Fiscal Year 2023-2025, two-year budget cycle, the Council hereby suspends the Charter mandated minimum budget set aside for the Office of the City Auditor and further suspends the minimum budget set aside for Democracy Dollars

Fund and non-staff costs related to the Public Ethics Commission's administration of the Oakland Fair Elections Act's Democracy Dollars Program, and

FURTHER RESOLVED: That the Council declares that the City Administrator is directed to use the funds in the Vital Services Stabilization Fund due to adverse financial conditions, and

FURTHER RESOLVED: That the Council declares that the City Administrator is directed to use One-time revenues for purposes other than those established in the Consolidated Fiscal Policy due to adverse financial conditions, and

FURTHER RESOLVED: That the City Administrator may transfer operating appropriations between activity programs during the fiscal year provided that such funds remain within the departments in which the funds were approved by City Council; and be it

FURTHER RESOLVED: That the City Administrator may transfer capital appropriations between the Capital Improvement Program and operating departments to the extent that such transfers are necessary to fund capital-related activities of the operating departments; and be it

FURTHER RESOLVED:, That should additional grant funds become available to offset costs of Capital Improvement Program projects funded in the Capital Improvement Program, then the City Administrator is authorized to apply for accept and appropriate these additional grant funds consistent with the City's Capital Improvement Program priorities so long as there are no additional costs associated with the City's acceptance or appropriation of the additional funds beyond reserved grant matching funds, or negative impact on the City's existing funding resources funds; or negative impact on the speed and capacity to deliver funded Capital Improvement Program projects, and be it

FURTHER RESOLVED: That should additional grant funds become available to fund Capital Improvement Program projects that are approved but not funded in the Capital Improvement Program, then the City Administrator is authorized to apply for accept and appropriate these additional grant funds consistent with the City's Capital Improvement Program priorities so long as there are no additional costs associated with the City's acceptance or appropriation of the additional funds beyond reserved grant matching funds, or negative impact on the City's existing funding resources funds; or negative impact on the speed and capacity to deliver of funded Capital Improvement Program projects, and be it

FURTHER RESOLVED: that this resolution serves as a "resolution of local support" to facilitate grant application acceptance and execute restricted grant agreements for named Capital Improvement Program projects that are funded or are approve but not funded when required by external funding agencies, including but not limited to the California Department of Transportation, the United States Department of Transportation, the Metropolitan Transportation Commission, the Alameda County Transportation Commission, etc.

FURTHER RESOLVED: That the City Administrator may transfer operating appropriations and positions: between the Human Services Department, Parks Recreation & Youth Development Department, the Department of Economic and Workforce Development, City Administrators Office, and the newly established Department of Children Youth and Families; between the Planning & Building Department and the Department of Economic and Workforce Development; between the Housing & Community Development Department and Human Services Department; the City Administrator's Office and the Oakland Public Works Department, and between the City Administrator's Office and the Department of Human Services during Fiscal Years 2023-25 to facilitate the reorganization, establishment, and operations of those organizational units; and be it

FURTHER RESOLVED: That the City Administrator may transfer operating appropriations between the Non-Departmental Organization and the City's Operating Departments to implement the services provided for in this Budget; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to periodically transfer funds between Departments and completed projects as needed in order to clean-up negative budget balances within the same Fund; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to use cost savings from vacant positions within a Department to procure internal or contract services to facilitate the speedy hiring of positions within that same Department; and be it

FURTHER RESOLVED: That the City Administrator may periodically transfer unexpended funds from the Unclaimed Cash Fund (Fund 7440) to the General Purpose Fund (Fund 1010); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized and directed to calculate all required set-asides and make appropriate adjustments, based on the final adopted budget amendments and accompanying legislation, as legally required, such as Kid's First!, the Vital Services Stabilization Fund, and the 7.5 percent Emergency Reserve; and be it

FURTHER RESOLVED: That the City Administrator must obtain approval from the City Council before (1) substantially or materially altering the relative department allocations of funding set out in the Adopted Policy Budget, (2) substantially or materially changing the levels of service expressly prioritized and funded by the Adopted Policy Budget including but not limited to layoffs and/or freezes that would substantially or materially (a) change levels of service, or (b) affect programs, or (3) eliminates or suspends entire programs funded by the Adopted Policy Budget; and be it

FURTHER RESOLVED: That the City Council hereby declares as state of extreme fiscal necessity for the coming biennium of Fiscal Years 2023-24 and 2024-25 and declares that the current declines in revenue and simultaneous expiration of federal aid constitute a severe and unanticipated financial event; and be it

FURTHER RESOLVED: That the City Administrator is hereby directed to return to the council with an ordinance amending chapter 2.29 of the Oakland Municipal Code to implement the July 2024 reorganizations proposed in this budget; and be it

FURTHER RESOLVED: That this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the City of
Oakland, California